

Report Date: February 7, 2006

United States District Court

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

FEB 09 2006

Eastern District of Washington

JAMES R. LARSEN, CLERK
YAKIMA, WASHINGTON DEPUTY

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Cheney Chandler Pierce

Case Number: 2:03CR02165-001

Name of Sentencing Judicial Officer: The Honorable Robert H. Whaley

Date of Original Sentence: 9/13/2004

Type of Supervision: Supervised Release

Original Offense: Distribute Controlled Substance,
Cocaine, 21 U.S.C. § 841(a)(1)

Date Supervision Commenced: 7/11/2005

Original Sentence: Prison - 10 Months; TSR - 24
Months

Date Supervision Expires: 7/10/2007

PETITIONING THE COURT

To modify the conditions of supervision as follows:

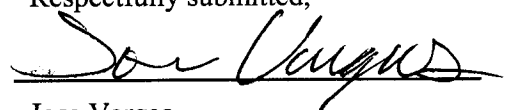
You shall abstain from the use of alcohol and illegal controlled substances, and shall submit to urinalysis testing, including breathalyzer testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

CAUSE

On October 20, 2005, Mr. Pierce submitted a urine sample which tested presumptive positive for cocaine. The defendant admitted to using alcohol and cocaine on October 19, 2005, and acknowledged having a substance abuse problem. As a corrective measure, the defendant completed a substance abuse evaluation with the Yakama Nation Comprehensive Alcoholism Program. He is currently participating in a six-month intensive outpatient treatment plan. In addition, recent 9th Circuit case law requires the Court to specify a specific number of urine tests to be set. Enclosed is a waiver signed by the defendant agreeing to the above modification of his conditions of supervised release.

Respectfully submitted,

by



Jose Vargas

U.S. Probation Officer

Date: February 7, 2006

Prob 12B

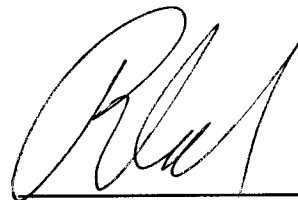
Re: Pierce, Cheney Chandler

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THE COURT ORDERS

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other



Signature of Judicial Officer

2/9/06

Date

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JAMES R. LARSEN, CLERK
YAKIMA, WASHINGTON DEPUTY

Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

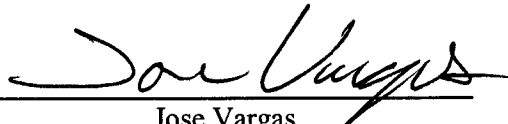
I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

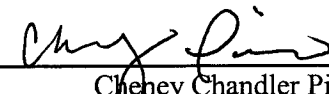
To modify the conditions of supervision as follows:

You shall abstain from the use of alcohol and illegal controlled substances, and shall submit to urinalysis testing, including breathalyzer testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

Witness:


Jose Vargas
U.S. Probation Officer

Signed:


Cheney Chandler Pierce
Probationer or Supervised Releasee

February 7, 2006

Date